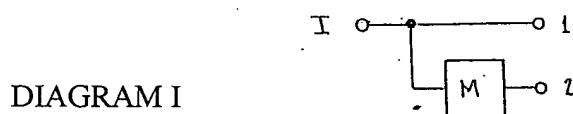


REMARKS

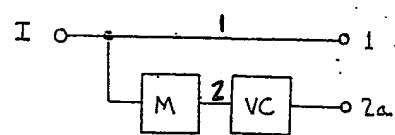
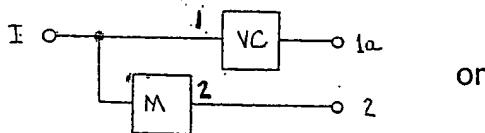
The Examiner has allowed claims 4 and 5 and has rejected claims 2 and 3 as anticipated by Berkovitz under 35 U.S.C. Section 102. Applicant respectfully disagrees.

A. APPLICANTS' CLAIMED INVENTION UNDER ORIGINAL CLAIMS 2 AND 3

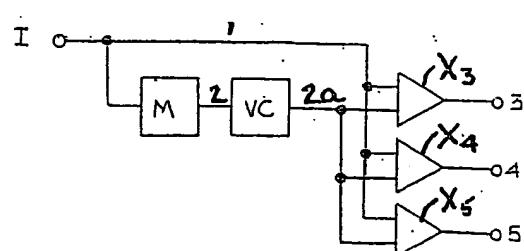
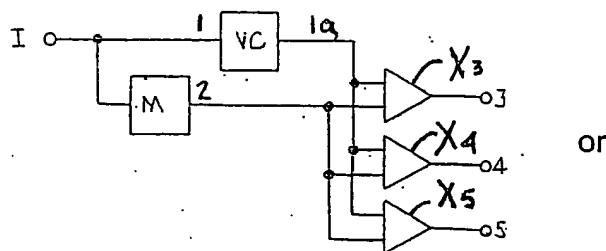
In the embodiment of applicants claims 2 (method) and 3 (apparatus) the input signal 1 is received resulting in a first signal 1 and modified at M to produce a second signal 2 (Cl.2, Ln.3-4; Cl.3, On.2-3). This diagrams as:



One, but not both, of these signals is variably controlled (Cl.2, Ln.5; Cl.3, Ln.4). Thus the above diagram can be further developed as either:



The resulting signals 1a and 2 or 1 and 2a are mixed (at X) to produce variably controlled third, fourth and fifth signals (Cl.2, Ln.6-7); Cl.3, Ln.5-6). Thus, the invention of claims 2 and 3 can be fully pictorially represented as either:



In either case, the outputs 3, 4 and 5 are the result of mixing a variably controlled input signal 1 with a modification 2 of the same input 1 or of mixing the input signal 1 itself with a variably controlled modification 2 of the same input 1.

B. BERKOVITZ FIGS 4-6 APPLIED TO APPLICANTS' ORIGINAL CLAIMS 2-3

The Examiner argues that applicants' claims 2 and 3 are anticipated by Berkovitz, specifically referring to Figs. 4-6 of the reference.

In Berkovitz Figure 4, an input 16 is modified by high and low pass filters 26 and 24 and the resulting filtered signals are mixed to produce 3 or more outputs 14A, 14B and 14N as shown below:

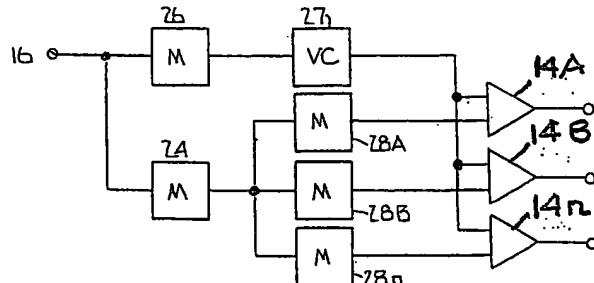


DIAGRAM VI

The input signal 16 is never applied to any of the mixers 42A, 42B or 42n which provide the output signals. Only modifications of the input signal are mixed. Thus Berkovitz does not anticipate applicants' invention as claimed in original claims 2 and 3.

C. APPLICANTS' AMENDED CLAIMS 2 AND 3 AND ADDED CLAIMS 6 AND 7

Applicant has now essentially divided rejected original claims 2 and 3 into amended claims 2 and 3 and new claims 6 and 7.

Claims 2 and 3 as amended included only the embodiment in which the input signal is variably controlled and mixed with the second signal. The embodiment in which the second signal is variably controlled and mixed with the input signal is no longer covered by these claims.

Claims 6 and 7 include only the embodiment no longer covered by claims 2 and 3 as amended. That is, claims 6 and 7 include only the embodiment in which the second signal is variably controlled and mixed with the input signal. The embodiment in which the input signal is variably controlled and mixed with the second signal is not covered by these claims.

Applicants have amended and added claims in the belief that this will clarify the distinctions from the prior art reference to Berkovitz as are now further explained.

Claims 2 and 3 as amended conform to Diagrams I, II and III above. In claims 2 and 3, the input signal is variably controlled, not modified. The variably controlled input signal and the modified signal are mixed to produce the three outputs. Berkovitz, as seen in Diagram VI above, modifies the input signal to produce one modified signal, modifies the input signal to produce another modified signal and then mixes the two modified signals to produce these outputs.

Claims 6 and 7 conform to Diagrams I, IV and V above. In claims 6 and 7, the input signal is mixed with the variably controlled modified signal to produce the three outputs. Again, this is unlike Berkovitz which mixes two modified signals.

The Examiner responds to Applicants' arguments by saying that claims 2 and 3 "do not call for the input signal being directly connected to the mixer(s)."

Clearly, new claims 6 and 7 do directly connect the input signal to the mixer(s).

And, while claims 2 and 3 variably control the input signal, they apply the variably controlled input signal directly to the mixer(s), not a modified signal.

D. CONCLUSION

Claims 4 and 5 have been allowed.

Applicants amended claims 2 and 3 and added claims 6 and 7 are not anticipated by Berkovitz, and allowance of these claims is respectfully requested.

Claims 2-7 being all of the claims now pending, Notice of Allowance in this application is respectfully requested.

Attached find a check in the amount of \$86.00 for the two additional independent claims.

Should a fee deficiency occur, please charge Deposit Account No. 50-1971 per 37 C.F.R. § 1.25.

Also attached please find Attorney's Address Change.

Respectfully submitted,



Frank J. Catalano Date
Registration No. 25,836
PTO Customer No. 07303
GABLE & GOTWALS
100 West 5th St., 10th Floor
Tulsa, OK 74103
Tel: (918) 595-4963
Fax: (918) 595-4990
E-mail: iplaw@gablelaw.com